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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ERICSSON INC.  
6300 LEGACY DRIVE  
M/S EVR C11  
PLANO, TX 75024

EXAMINER

OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/758,395

Applicant(s)

CHRISTOPOULOS ET AL.

Examiner

Ramy M Osman

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 48-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 48-68 is/are rejected.
- 7) ☒ Claim(s) 48,50,53,65 and 67 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is in response to amendment filed on 8/20/2004. Claims 1-47 were cancelled. New claims 48-68 are pending.

#### ***Claim Objections***

2. Claims objected to because of the following informalities:
3. Change line 7 of claim 48 from “.” to “;”.
4. Change line 3 of claim 50, from “;” to “,”.
5. Change line 4 of claim 53, from “terminal capabilities;” to “terminal capabilities,”.
6. Change line 3 of claim 65, from “.” to “;”.
7. Change line 2 of claim 67, from “;” to “.”.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 48 and 58 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:

- Line 3 of the claim states “initiating a multimedia application” but fails to indicate who is initiating and how it is initiated.

Art Unit: 2157

- Lines 4 and 5 state “said multimedia application and multimedia data”, whereas there is insufficient antecedent basis for the limitation “multimedia data” in this claim. The word said seems to apply to both elements.
- The language of lines 6 and 7 fails to indicate if the communication is a three-way communication between the terminal, the data and the application; or if it is a two-way communication with the terminal in communication with the data and application; or if the terminal and data is in communication with the application.

10. Claims 49 and 59 rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The claim states “transmitting the commands” but fails to indicate where the commands are transmitted to.

The claims also recite the limitation "each set of operations" in line 2 of the claims.

There is insufficient antecedent basis for this limitation in the claims.

11. Claim 56 rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The term “cost” is not clear as to whether it is meant to be a monetary cost or a cost which means an effort to do something.

### ***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 48,49,58 and 59 rejected under 35 U.S.C. 102(e) as being anticipated by Austin (US Patent No 6,157,924).

14. In reference to claims 48 and 58, Austin teaches a method and a multimedia system for providing an intelligent multimedia services environment in a network, comprising the steps of:

initiating a multimedia application (column 2 lines 41-63 and column 7 lines 25-50, Austin discloses accessing a webpage);

simultaneously sharing and manipulating said multimedia application and multimedia data by one or more end user terminal devices (column 2 lines 41-63 and column 6 lines 20-35, Austin discloses multiple clients accessing a server and manipulating data);

providing communication between said one or more end user terminal devices and said multimedia data and said multimedia application (column 2 lines 41-63, column 8 lines 1-7 and column 12 lines 28-40, Austin discloses communication between clients, data and application);

utilizing one or more databases containing said multimedia data (column 10 lines 45-55 and column 13 lines 20-30, a database is inherent in the teachings of Austin in order to store the information that is to be retrieved);

determining preferences of each of said one or more end user terminal devices; and automatically adapting said multimedia data to satisfy said determined preferences of each of said one or more end user terminal devices prior to sending said adapted multimedia data to a receiving end user terminal device (column 2 lines 41-63, column 12 lines 28-40 and column 13 lines 20-30, Austin discloses client preferences and adapting said data prior to sending it to the client device).

Art Unit: 2157

15. In reference to claims 49 and 59, Austin teaches the method and multimedia system respectively of Claims 48 and 58 above, further comprising the step of transmitting commands defining each set of operations and manipulations in said shared multimedia data between end user terminal devices (column 2 lines 41-63, Austin discloses transmitting request with profile defining data manipulation).

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 50-57 and 60-68 rejected under 35 U.S.C. 103(a) as being unpatentable over Austin (US Patent No 6,157,924) in view of Bhagwat et al (US Patent No 6,563,517).

18. In reference to claims 50 and 60, Austin teaches the method and multimedia system respectively of Claims 48 and 58 above, wherein said determined preferences of said one or more end user terminal devices include user preferences (column 2 lines 41-63).

Austin fails to explicitly teach wherein the preferences include terminal capabilities and network capabilities. However, Bhagwat teaches modifying data based on client and network capabilities to optimize data access by different client types (Summary, column 4 lines 60-67 and claim 1).

It would have been obvious for one of ordinary skill in the art to modify Austin by making the preferences include terminal capabilities and network capabilities as per the teachings of Bhagwat to optimize data access by different client types.

19. In reference to claims 51, Austin teaches the method of Claim 50 above, further comprising the step of sharing device preferences of each of said end user terminal devices with all connected said end user terminal devices (column 2 lines 30-37).

20. In reference to claims 52, Austin teaches the method of Claim 51 above, further comprising the step of storing said user preferences, terminal capabilities and network capabilities at a Universal Resource Locator (URL) address (column 2 lines 30-50, column 5 line 60 – column 6 line 15 and column 8 lines 1-7).

21. In reference to claims 53, 61 and 66, Austin teaches the method and multimedia system respectively of Claims 52 and 58 above, further comprising the steps of:

identifying a multimedia data set stored in said one or more data bases (column 10 lines 45-55 and column 13 lines 20-30, a database is inherent in the teachings of Austin in order to store the information that is to be retrieved);

Austin fails to explicitly teach utilizing a transcoder/scalability service to modify said multimedia data set according to said user preferences, terminal capabilities, and network capabilities; and making said modified multimedia data set available to one or more end user terminal devices. However, Bhagwat teaches transcoding/scaling data according to client preferences, terminal and network capabilities so it can be available for multiple clients for the purpose of optimizing data access by multiple client types (Summary and claim 1).

It would have been obvious for one of ordinary skill in the art to modify Austin by utilizing a transcoder/scalability service to modify said multimedia data set according to said user preferences, terminal capabilities, and network capabilities; and making said modified multimedia data set available to one or more end user terminal devices as per the teachings of Bhagwat to optimize data access by different client types.

22. In reference to claims 54,56 and 62, Austin teaches the method and multimedia system respectively of Claims 53 and 61 above. Austin fails to explicitly teach wherein the method further comprises the steps of: scaling said modified multimedia data set according to one or more significance values associated with each element of said modified multimedia data set; and encoding said modified multimedia set according to said terminal capabilities and communication connection capabilities. However, Bhagwat teaches transcoding/scaling data according to client preferences, terminal and network capabilities so it can be available for multiple clients for the purpose of optimizing data access by multiple client types (Summary and claim 1).

It would have been obvious for one of ordinary skill in the art to modify Austin by utilizing a transcoder/scalability service to modify said multimedia data set according to said user preferences, terminal capabilities, and network capabilities; and making said modified multimedia data set available to one or more end user terminal devices as per the teachings of Bhagwat to optimize data access by different client types.

23. In reference to claims 55 and 65, Austin teaches the method and multimedia system respectively of Claims 53 and 58 above. Austin fails to explicitly teach wherein said multimedia data set comprises one of, or a combination of two or more: a still image; one or more regions of



Art Unit: 2157

interest of said still image; a cropped portion of said still image; a video object; and a segment of said video object. However, Bhagwat teaches modifying image data for the purpose of optimizing data access by multiple client types (column 7 lines 15-55).

It would have been obvious for one of ordinary skill in the art to modify Austin by wherein said multimedia data set comprises one of, or a combination of two or more: a still image; one or more regions of interest of said still image; a cropped portion of said still image; a video object; and a segment of said video object as per the teachings of Bhagwat to optimize image data access by different client types.

24. In reference to claims 57, Austin teaches the method of Claim 53 above. Austin fails to explicitly teach wherein said terminal capabilities include: a level of resolution and an amount of processing power associated with each of said one or more end user terminal devices connected to said multimedia data set. However, Bhagwat teaches resolution levels and client capabilities for accessing multimedia data (column 4 lines 60-67 and column 5 lines 30-67).

It would have been obvious for one of ordinary skill in the art to modify Austin by wherein said terminal capabilities include: a level of resolution and an amount of processing power associated with each of said one or more end user terminal devices connected to said multimedia data set as per the teachings of Bhagwat to optimize image data access by different client types.

25. In reference to claims 63,64,67 and 68, Austin teaches the multimedia system of Claims 58 and 61 above. Austin fails to explicitly teach wherein said transcoder is associated with a server; a gateway device; transcoder service comprises a transcoder for encoding; and server

Art Unit: 2157

comprises a multipoint controller. However, Bhagwat teaches a proxy server providing transcoding services for encoding the data for the purpose of optimizing data access by multiple client types (column 2 line 55 – column 3 line 22). A gateway device is an obvious variation of a server and is well-known in the art.

It would have been obvious for one of ordinary skill in the art to modify Austin by wherein said transcoder is associated with a server; a gateway device; transcoder service comprises a transcoder for encoding; and server comprises a multipoint controller as per the teachings of Bhagwat to optimize image data access by different client types.

#### ***Response to Amendment***

26. Examiner acknowledges amendment filed on 8/20/2004. Claims 1-47 were cancelled, and new claims 48-68 were added.

#### ***Response to Arguments***

27. Applicant's arguments with respect to claims 48-68 have been considered but are moot in view of the new ground(s) of rejection.

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO  
November 24, 2004

  
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